

**ASSEMBLY BILL**

**No. 1830**

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**Introduced by Assembly Member V. Manuel Pérez**

February 22, 2012

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An act to amend Section 2705.6 of the Public Utilities Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1830, as introduced, V. Manuel Pérez. Water service: mobilehome parks.

Existing law authorizes the Public Utilities Commission to regulate public utilities, including water corporations. Under existing law, a mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation, but that mobilehome park is subject to the jurisdiction of the commission to the extent that, if a tenant complains about the water rates charged or service provided by the mobilehome park, the commission is authorized to determine whether the rates charged are just and reasonable and whether the service provided is adequate. Existing law authorizes the commission to afford rate relief or to order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

This bill would authorize the commission, if it finds, after investigation, that the mobilehome park has charged an unjust or unreasonable rate in violation of existing law, to order the mobilehome park to reimburse the complainant and any other current and former tenants affected by the rate, calculated as prescribed, if no discrimination will result from the reimbursement. The bill would specify that a current

or former tenant may complain. Because a violation of an order or decision of the commission is a crime, this bill would impose a state-mandated local program creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2705.6 of the Public Utilities Code is  
2 amended to read:

3 2705.6. (a) A mobilehome park that provides water service  
4 only to its tenants from water supplies and facilities that it owns,  
5 not otherwise dedicated to public service, is not a water  
6 corporation. However, that mobilehome park is subject to the  
7 jurisdiction of the commission to the extent that, if a *current or*  
8 *former* tenant complains about the water rates charged or service  
9 provided by the mobilehome park, the commission shall determine,  
10 based on all the facts and circumstances, whether the rates charged  
11 are just and reasonable and whether the service provided is  
12 adequate.

13 (b) Complaints filed pursuant to subdivision (a) are subject to  
14 the provisions of this code and to the Rules of Practice and  
15 Procedure of the commission governing complaints and  
16 commission investigations.

17 (c) The commission may afford rate relief or may order the  
18 mobilehome park to improve its water supply, facilities, and  
19 services on those terms that it finds just and reasonable, or both.

20 (d) *If the commission finds, after investigation, that the*  
21 *mobilehome park has charged an unjust or unreasonable rate in*  
22 *violation of this section, the commission shall order the*  
23 *mobilehome park to reimburse the complainant and any other*  
24 *current and former tenants affected by the rate, if no discrimination*  
25 *will result from the reimbursement. Reimbursement shall be*  
26 *calculated from the first date of collection of the unjust or*  
27 *unreasonable rate, with interest. The commission shall not make*

1 *an order for the payment of reimbursement upon the ground of*  
2 *unjustness or unreasonableness if the rate in question has been*  
3 *previously declared by formal finding of the commission to be*  
4 *reasonable. The commission shall not recognize the assignment*  
5 *of a reimbursement claim except assignments by operation of law*  
6 *as in cases of death, insanity, bankruptcy, receivership, or order*  
7 *of court.*

8 ~~(d)~~

9 *(e)* The public adviser created pursuant to Section 321 and  
10 necessary staff of the commission shall assist the complainant.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.